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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,251	08/14/2003	Johnny Wong	OR03-11601	1550

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EXAMINER

SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> <p style="text-align: center;">Office Action Summary</p>	Application No.	Applicant(s)	
	10/642,251	WONG, JOHNNY	
	Examiner	Art Unit	
	Ramnandan Singh	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a telephony controller as claimed in claims 1, 8 and 15. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to because of the following informalities:

Applicant should provide the status of the co-pending application cited on page 1, paragraph [0002].

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15-21 are drawn to a computer-readable storage medium storing instructions, which may include signals, as stated in the specification [Pages 4-5, Paragraph 0024]. Signals per-se are non-statutory.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 10/682,946. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the instant application is abroad version of claim 1 of the co-pending application. A similar thing holds for claims 8 and 15 of the instant application with respect to claims 8 and 15 of the co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jimenez et al [US 20020006124 A1].

Regarding claim 1, Jimenez et al disclose an apparatus that provides a unified telephony solution, comprising:

an application server (200) configured to provide telephony services [fig. 4];

a voice extensible markup language (VXML) browser (158) module contained in audio browser (120) configured to access telephony services through the application server; wherein Figs. 3a, 3b and 3c depict detailed embodiments of the audio browser 120 [Figs 3a-3c, 4; Para: 0029];

a telephony controller (i.e. telephone interface module (call control) 150) configured to access telephony services through the VXML browser [Figs. 3a-3c, 4]; and

a telephony gateway (116) that provides an interface to a public switched telephone network (PSTN) (112) [Figs. 2, 3a-3d, 4-5; Para: 0006-0011; 0021-0045; claims 1, 10, 11].

Claim 8 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 2, Jimenez et al further disclose the apparatus, wherein the telephony controller (150) includes a SIP framework with a SIP servlet container (150a), wherein the SIP servlet container includes a plurality of SIP servlets for interfacing with a SIP network (136) [Figs. 3a, 3b, 3c, 3d, 4-5; Para: 0033-0037].

Claim 9 is essentially similar to claim 2 and is rejected for the reasons stated above.

Regarding claims 3 and 10, the limitations are shown above.

Regarding claim 4, Jimenez et al further disclose the apparatus, wherein the plurality of SIP servlets are registered (i.e. trusted) with a remote method invocation (RMI) registry [Para: 0027-0028; 0045].

Claim 11 is essentially similar to claim 4 and is rejected for the reasons stated above.

Regarding claim 5, Jimenez et al further disclose the apparatus, wherein the telephony services provide a telephone system (100) [Figs. 2, 4, 5; Para: 0023; 0040; 0050]; and a call center for call processing functions [Para: 0025]. Here Examiner selects the first two of the four items in the claims.

Claim 12 is essentially similar to claim 5 and is rejected for the reasons stated above.

Regarding claim 6, Jimenez et al further disclose the apparatus, wherein the apparatus operates using a Voice Over Internet Protocol (VOIP) [Figs. 2, 4-6; Para: 0021-0026; 0038-0042; claims 10, 11].

Claim 13 is essentially similar to claim 6 and is rejected for the reasons stated above.

Regarding claim 7, Jimenez et al further disclose the apparatus, wherein the application server (200) is coupled to a database, as shown in Fig. 4, that provides access to the plurality of SIP [Figs. 3a, 3b, 3c, 3d, 4-5; Para: 0033-0037].

Claim 14 is essentially similar to claim 7 and is rejected for the reasons stated above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jimenez et al in view of Takagi et al [US 7,058,695].

Regarding claim 15, Jimenez et al disclose a method that implements a unified telephony solution, comprising:

receiving a request for a telephony service at a telephony controller (150) [Figs. 3a-3c; Para: 0029-0030] ; and

in response to the request, accessing a telephony service provided by an application server (200) through a voice extensible markup language (VXML) browser (158) ; wherein the telephony service involves interfacing to a public switched telephone network (PSTN) (112) through a telephony gateway (116) [Figs. 2-6; Para: 0021-0055; claims 1, 10, and 11].

Jimenez et al do not teach employing a computer-readable medium to execute the method.

Takagi et al teach a method and system for displaying or outputting Web pages using a voice browser, wherein a program for use with a computer is recorded. As a

medium recording program, any computer-readable medium is included [col. 5, lines 1-62]

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the technique of medium recording program of Takagi et al with Jimenez et al in order to speed up the execution of the method of Jimenez et al using a computer system as another embodiment of the method execution [Takagi et al; col. 5, lines 1-13].

Regarding claim 16, Jimenez et al further disclose the apparatus, wherein the telephony controller (150) includes a SIP framework with a SIP servlet container (150a), wherein the SIP servlet container includes a plurality of SIP servlets for interfacing with a SIP network (136) [Figs. 3a, 3b, 3c, 3d, 4-5; Para: 0033-0037].

Regarding claim 17, the limitations are shown above.

Regarding claim 18, Jimenez et al further disclose the apparatus, wherein the plurality of SIP servlets are registered (i.e. trusted) with a remote method invocation (RMI) registry [Para: 0027-0028; 0045].

Regarding claim 19, Jimenez et al further disclose the apparatus, wherein the telephony services provide a telephone system (100) [Figs. 2, 4, 5; Para: 0023; 0040;

0050]; and a call center for call processing functions [Para: 0025]. Here Examiner selects the first two of the four items in the claims.

Regarding claim 20, Jimenez et al further disclose the apparatus, wherein the apparatus operates using a Voice Over Internet Protocol (VOIP) [Figs. 2, 4-6; Para: 0021-0026; 0038-0042; claims 10, 11].

Regarding claim 21, Jimenez et al further disclose the apparatus, wherein the application server (200) is coupled to a database, as shown in Fig. 4, that provides access to the plurality of SIP [Figs. 3a, 3b, 3c, 3d, 4-5; Para: 0033-0037] .

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Eriksson et al [WO 98/58332] disclose accessing and retrieving messages using a web browser [Figs. 1-11; Abstract];


(ii) Birch et al [US 7, 194,534 B2] disclose a method for linking call control functions of a telephony server [Figs. 1-2; Abstract]; and

(iii) Taylor et al [US 6,922,411 B1] disclose a networked telephony system with XML applications [Whole document].

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ramnandan Singh
Primary Examiner
Art Unit 2614